

Personnel Security Assurance Program

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Personnel Security Assurance Program

1.0 Introduction

U.S. Department of Energy (DOE) Order 5631.6 (Personnel Security Assurance Program) describes the management, medical, and security review process required for access authorization to a Personnel Security Assurance Program (PSAP) position and subsequent monitoring and reporting of security concerns by PSAP supervisors. Criteria and procedures for determining eligibility for access authorization to these positions are contained in Title 10, Code of Federal Regulations (CFR), Part 710.

2.0 Definitions

PSAP authorization. An administrative determination by the DOE that a “Q”-cleared individual is eligible for access to, or control over, significant quantities of special nuclear material (SNM). Individuals who are certified under the Personnel Assurance Program (PAP), as described in Supplement 1.14 of this manual, may perform PSAP duties. However, individuals having PSAP authorization may not perform nuclear explosive duties. An individual may not be simultaneously enrolled in both the PAP and PSAP.

PSAP position. Positions that involve unescorted access to significant quantities of SNM, including the protection or transport of such materials. Other positions having the potential for causing unacceptable damage to national security may be designated by LLNL as PSAP positions, subject to approval by the DOE Director of Safeguards and Security (DP-34) in accordance with DOE Order 5631.6, Section 9c. Individuals having this access (excluding those who are certified under the PAP) are required to obtain and hold a DOE PSAP authorization.

Personnel Security Assurance Program. A DOE program to ensure that the assignment and retention of individuals in PSAP positions is consistent with the requirements of national security. This program reduces risk to national security through the close evaluation, selection, and monitoring of individuals applying for and holding PSAP authorizations.

Security concern. The presence of information regarding an individual who is applying for or holds a PSAP position that may be considered derogatory under the criteria contained in 10 CFR Part 710. These criteria include the following:

- National security concerns, such as treason, espionage, sabotage, or sedition.
- Deliberate misrepresentation, falsification, or omission of significant information to the federal government or its agents during the DOE “Q” clearance process.
- Medically determined to have an illness or mental condition that causes, or may cause, significant defect in judgment or reliability, or has refused to be examined by a psychiatrist.
- Use of alcohol habitually to excess without adequate evidence of rehabilitation or reformation.
- Possession, sale, or use of controlled substances without a valid prescription and without adequate evidence of rehabilitation or reformation.
- Unusual conduct or circumstances that (1) tend to show that the individual is not honest, reliable, or trustworthy, and there is no adequate evidence of rehabilitation or reformation; or (2) furnishes reason to believe that the individual may be subject to coercion, influence, or pressure that may cause the individual to act contrary to the best interests of national security. Such conduct or circumstances include, but are not limited to, sexual activity, demonstrated financial irresponsibility or notoriously disgraceful conduct.

Significant quantities of SNM. Unclassified SNM (i.e., not subject to a Nuclear Regulatory Commission license) in one facility or one shipment in the following quantities, as defined in 10 CFR Part 710.5:

- “(1) Uranium 235 (contained in uranium enriched 20 percent or more in the Uranium 235 isotope) alone, or in combination with Plutonium and/or Uranium 233 when (multiplying the Plutonium and/or Uranium 233 content by 2-1/2) the total is 1,000 grams or more.

- (2) Plutonium and/or Uranium 233 when the Plutonium and/or Uranium 233 content is 400 grams or more.
- (3) Special nuclear material in lesser quantities but which is located in the same area or shipment with other special nuclear material with which it could be selectively combined to produce the equivalent quantities in paragraph (1) or (2) above."

3.0 Objective

The objectives of the PSAP at LLNL are (1) to ensure all individuals occupying PSAP positions, other than individuals who are certified and monitored under the PAP, meet the highest standards of reliability, and (2) to reduce to an acceptable level the potential threat posed by individuals in these positions whose judgment may be impaired by physical and/or emotional disorders, the use of controlled substances, or the use of alcohol habitually to excess.

4.0 Responsibilities

4.1 Laboratory Director

The Director of LLNL has delegated administrative responsibility for the PSAP to the Associate Director for Plant Operations. The Associate Director for Plant Operations has appointed a PSAP coordinator, who is responsible for implementing the program and performing the duties described in this document.

4.2 Department Heads and Division Leaders

Department heads and division leaders of organizations having PSAP positions are responsible for ensuring candidates for PSAP authorization are advised of the nature and purpose of the PSAP and of their responsibilities under the program; documenting the individual's agreement to participate in the PSAP; and ensuring a DOE PSAP application form is initiated and appropriate acknowledgments, releases, and waivers are executed initially and annually thereafter to maintain each affected individual's PSAP authorization. After PSAP authorization, department heads and division leaders are responsible for the following:

- Designating supervisory personnel who in turn are responsible for observing PSAP individuals.

- Ensuring these supervisors receive the required PSAP supervisor training in recognizing security concerns and unusual conduct and making appropriate reports and referrals.
- Ensuring that PSAP-authorized individuals receive annual reorientation on the PSAP.
- Reporting to the PSAP coordinator any security concerns or permanent or temporary removal from PSAP duties of PSAP-authorized individuals.
- Temporary removal and reassignment of PSAP-authorized individuals (for up to 30 days) to non-PSAP duties pending resolution of any physical restrictions or possible security concerns.
- Obtaining approval from the DOE San Francisco Field Office (DOE/SF) prior to returning an individual to PSAP duties after removal due to a security concern.
- Ensuring PSAP-authorized individuals report in person to Health Services and obtain a written recommendation regarding the individual's return to work following sick leave of 5 or more consecutive workdays before being allowed to return to normal duties.

4.3 Health Services Department

Health Services is responsible for ensuring that PSAP medical assessments and reviews of PSAP-authorized individuals are performed, as specified in DOE Order 5631.6. Examinations are required prior to initial PSAP authorization, annually during the period of PSAP authorization, and upon return to work following 5 or more consecutive workdays of sick leave. Health Services shall either perform or provide technical oversight of contractors and services used for medical assessments and tests. Health Services is responsible for advising the PSAP coordinator of any security concerns discovered during the medical assessments and reviews performed pursuant to DOE Order 5631.6.

4.4 Safeguards and Security Department

LLNL Safeguards and Security Department is responsible for identifying all LLNL security violations of applicants for PSAP authorization. These evaluations are made initially upon request from the PSAP coordinator and annually thereafter. They assist PSAP supervisors in performing the PSAP prehire and preassignment checks described in this supplement.

4.5 PSAP Coordinator

The PSAP coordinator is responsible for routing requests for PSAP authorization and annual reauthorization for reviews and approvals, as described in this procedure, and maintaining a consolidated file to substantiate this process. The PSAP coordinator maintains a current roster of individuals who have obtained PSAP authorization and distributes updated rosters to affected departments and divisions.

After issuance of PSAP drug-testing specifications by DOE, the PSAP coordinator is responsible for ensuring nominees for initial PSAP authorization have satisfactorily completed a preassignment drug test and PSAP-authorized individuals are enrolled in a program to test for illegal drugs annually on a random selection basis. PSAP-authorized individuals will be randomly selected and tested at least once during each program year.

The PSAP coordinator is responsible for administering the random selection and notification process and monitoring the testing process to ensure those who are scheduled and available for drug testing complete the test. The PSAP coordinator is advised of pass/fail drug test results by Health Services and shall report these results as described in this procedure. The PSAP coordinator is responsible for promptly advising DOE/SF of security concerns and the removal by LLNL of a PSAP-authorized individual from PSAP duty.

5.0 General Procedure

The PSAP authorization process consists of a supervisory review, medical assessment, management evaluation, DOE personnel security review, and final PSAP-access authorization determination by DOE.

Supervisors perform a 10-year prehire or preassignment check, review information available in departmental personnel files, and recommend individuals who are candidates for occupying or continuing to occupy a PSAP-identified position. The supervisor ensures the individual has received a full explanation of the requirements of the PSAP, initiates forms identified in this supplement, and sends the forms to the PSAP coordinator.

The PSAP coordinator initiates reviews with Health Services and LLNL Safeguards and Security and requests an informal DOE/SF review. After internal LLNL reviews and approvals, the PSAP coordinator processes a formal request for PSAP

authorization or reauthorization to DOE/SF and advises the department or division of the outcome.

While on duty, PSAP-authorized individuals are subject to LLNL's alcohol and substance abuse policies. These policies provide supervisory behavioral observation, appropriate medical testing of employees if on-the-job impairment is detected, and medical evaluations in cases of deteriorating performance where substance abuse or mental or emotional problems may be involved. Security concerns, including those described above, that are observed by PSAP supervisors are reported as described in this supplement.

After issuance of PSAP drug-testing specifications by DOE, individuals applying for PSAP-authorized positions will be subject to preassignment drug testing, and incumbents in PSAP positions will be enrolled in a program of annual random drug testing.

6.0 PSAP Authorization, Reassignment, and Termination Processes

6.1 Supervisory Review

Supervisors of individuals applying for initial PSAP authorization or annual PSAP reauthorization must ensure a thorough review of relevant information is conducted that shall include (1) a one-time, 10-year preemployment or preassignment check consisting of validation of the applicant's educational history, verification of the applicant's employment record, a credit check, a local agency criminal records check for the locations of interest, and contact with listed references (if applicable); and (2) a review of any LLNL attendance and leave records, performance appraisals, disciplinary actions, and any available LLNL records relating to reliability or motivation.

Prior to signing Section A of form DOE F 5631.35 to recommend an individual for PSAP authorization, supervisors must ensure the individual is briefed on the nature and purpose of the PSAP and certify that, based upon a review of available information, the supervisor has no reason to believe that the individual may represent a security concern.

Individuals who are hired for or who transfer to PSAP positions on or after June 1992, are subject to the above preemployment or preassignment check. Incumbents in these jobs prior to June 1992, are exempt from this requirement.

Whether processing an application for initial PSAP authorization or annual reauthorization, the nominating supervisor initiates the following three forms:

- DOE F 5631.35, “U.S. Department of Energy Personnel Security Assurance Program (PSAP) Management, Medical, and Security Report.”
- DOE F 5631.36, “Acknowledgment and Agreement to Participate in the Personnel Security Assurance Program (PSAP).”
- DOE F 5631.37, “Authorization and Consent to Release Personnel Security Assurance Program (PSAP) Records in Connection With PSAP.”

After the PSAP supervisor has signed Section A of form DOE F 5631.35 and both the supervisor and the individual seeking initial or continued PSAP authorization have made appropriate entries and signed forms DOE F 5631.36 and 5631.37, the originals of all three forms are sent to the PSAP coordinator. The individual’s department or division should retain file copies to substantiate the supervisory review.

6.2 Assessments

Upon request by the PSAP coordinator, DOE/SF Safeguards and Security performs an informal assessment of the individual’s suitability for PSAP authorization or reauthorization. If DOE/SF Safeguards and Security advises the PSAP coordinator that the individual is unsuitable, form DOE F 5631.35 is returned to the department head or division leader with an explanation.

If no disqualifying information is found by DOE/SF in its informal assessment of the nominee’s suitability, the PSAP coordinator is informally advised by DOE/SF and form DOE F 5631.35 is distributed by the PSAP coordinator requesting a medical assessment from Health Services.

6.2.1 Medical Assessment

The Medical Director of Health Services ensures PSAP medical assessments are performed. This assessment consists of a comprehensive physical examination to assess the physical, mental, emotional, and behavioral status of the individual. The physical examination includes an evaluation of the use of alcohol habitually to excess. When the medical assessment is completed, the Medical Director, or his/her designee, signs and dates Section B of form DOE F 5631.35 and forwards it to the PSAP coordinator. Health Services maintains appropriate files to substantiate each part of this medical assessment.

When DOE drug-testing standards are issued, an applicant for a PSAP position will be administered a drug test before final assignment. The evaluation of incumbents for drug abuse will consist of testing the individual for the use of illegal drugs (see Appendix A).

6.2.2 Security Assessment

LLNL Safeguards and Security assists PSAP supervisors to perform a 10-year preemployment or preassignment check prior to making a supervisory recommendation for initial PSAP authorization. At the time of annual PSAP reauthorization, the PSAP coordinator requests LLNL Safeguards and Security to conduct a personnel assurance file review and report to the PSAP coordinator any security infractions acquired during the individual’s employment.

LLNL Safeguards and Security assists the PSAP coordinator in establishing PSAP authorization files by providing key information concerning the security clearance, such as the type of clearance, clearance grant date, name of the individual granting the clearance, and that individuals requesting PSAP reauthorization have processed an annual update to DOE/SF within the past year.

6.2.3 PSAP Coordinator File Review

The PSAP coordinator verifies that the nominee has completed the required PSAP orientation, submitted to DOE/SF a Questionnaire for Sensitive Position or an annual update (including a completed Part II), passed a preassignment drug test or is enrolled in a program of annual random testing (when drug testing required), and satisfactorily completed a medical assessment.

6.2.4 Management Assessment

Upon satisfactory completion of all required LLNL briefings, reviews and assessments (including the results of drug testing) the PSAP coordinator, or his/her designee, signs Section C of form DOE F 5631.35 and routes the form to DOE/SF. The PSAP coordinator notifies the department or division involved when PSAP authorization is received from the DOE/SF Manager. The PSAP coordinator periodically distributes a roster of PSAP-authorized individuals to affected LLNL departments or divisions.

6.3 Temporary Reassignment

In the event that Health Services becomes aware of a condition or circumstance that may affect the judgment or reliability of an individual in a PSAP position (see “security concerns” in Section 2.0) or other factors limiting the individual’s ability to

perform PSAP duties, Health Services will notify the PSAP coordinator with a recommendation for temporary (up to 30 days) or permanent reassignment from PSAP duties.

After consultation with the individual's supervisor, the PSAP coordinator will notify the DOE/SF PSAP manager of the decision and the reasons for such action. If the reasons for the restriction meet one or more of the criteria for a security concern, removal of these restrictions requires notification in writing from the Health Services Medical Director to the PSAP coordinator who in turn requests approval from the DOE/SF PSAP manager. If the reason for the restriction is not based upon a verified security concern, the DOE/SF PSAP manager will be notified by the PSAP coordinator after reinstatement to the PSAP position; DOE approval is not required.

6.4 Termination of PSAP Authorization

6.4.1 Conclusion of PSAP Assignment

When an individual is no longer assigned to a PSAP position, the department head or division leader must notify the PSAP coordinator, who then notifies LLNL Safeguards and Security, Health Services, and DOE/SF so that the individual's name can be removed from the PSAP authorization list.

6.4.2 Failure to Obtain Recommendation for PSAP Authorization

If potentially disqualifying information comes to the attention of Health Services, LLNL Safeguards and Security, or the individual's division prior to processing a PSAP authorization or reauthorization request to DOE, the matter is referred to the PSAP coordinator. The PSAP coordinator convenes a panel consisting of Health Services, LLNL Safeguards and Security, Staff Relations, and the individual's department management. The panel reviews the facts in the case, using whatever resources are deemed necessary to resolve the matter, including interviewing the affected individual, and then determines whether to recommend PSAP authorization to DOE.

6.4.3 Removal From PSAP Assignment

If an individual is removed from PSAP duties for "cause," the DOE/SF Office of Defense Programs will be notified immediately via telephone with a written follow-up.

6.5 Sick Leave From a PSAP Position

Individuals with PSAP authorization who have been on sick leave for 5 or more consecutive workdays shall report in person to Health Services (or another Laboratory-designated location) before returning to normal duties, where they shall obtain a written recommendation from the Health Services Medical Director, or his/her designee, regarding their return to work with or without restrictions. PSAP employee shall obtain their supervisor's approval of the return-to-work recommendation prior to resuming normal duties.

6.6 Recognition and Reporting of Security Concerns

PSAP-authorized individuals are closely monitored by supervision who have received training in the recognition and reporting of unusual conduct, possibly signifying security concerns, as described in DOE Order 5631.6.

PSAP-authorized individuals are subject to LLNL's policy guidelines on substance abuse, which are designed to identify those individuals whose judgment may be impaired by physical and/or emotional disorders, use of controlled substances, or use of alcohol habitually to excess.

Supervisors receive training in the following and are required to direct an employee to Health Services if one of these occurs:

- Behavior is observed that may pose an immediate threat to the health and safety of the employee or other employees and there is cause to believe that substance abuse or an emotional disorder is a factor.
- The use or possession of illegal controlled substances or unauthorized use or possession of alcohol has been observed in the workplace.
- A work-related accident occurs where there is cause to believe the use of controlled substances or alcohol may have been a contributing factor.

Appendix A

Drug Testing

A.1 Policy

Employees assigned to the PSAP are entrusted with access to and control over significant quantities of special nuclear materials, as defined in DOE Order 5631.6. These employees must demonstrate a high degree of personal reliability. The use or abuse of illegal or controlled substances by such employees cannot be tolerated. These employees will be drug-tested prior to assignment to the PSAP and will be enrolled in a program for random drug testing after being assigned. For purposes of this appendix, the PSAP will be referred to as the Program.

A.2 Purpose

This appendix describes the process used to implement preassignment and random urinalysis testing for the use of controlled substances by employees assigned to the Program.

A.3 Responsibility

The Laboratory Director will designate an individual as the Laboratory's Program drug-testing management official. This official implements the Program random drug-testing program. The Program drug-testing management official is responsible for ensuring compliance with this appendix and that drug-testing information and records of a sensitive nature are maintained in strict confidence.

The medical review officer (MRO), an LLNL Health Services physician with specialized training, will review and interpret the results of the drug tests.

A.4 Preassignment and Random Drug-Testing Program

Applicants for a Program position subject to random drug testing will be tested for the use of illegal drugs before final assignment to such a position. While active in the Program, individuals will be tested at least annually for illegal drugs. Selection for this testing will be on a random, unannounced basis. After testing, each individual's name will be returned to the testing population and subject to reselection.

A.5 Testing Frequency

The Program drug-testing management official will, in conjunction with Health Services, schedule dates and times for specimen collection. The schedule will accommodate annual testing of all Program personnel and provide an opportunity for random testing on any regularly scheduled workday. The schedule will not be released to the testing population. Program employees selected for testing who are on authorized sick or vacation leave or official travel will have their names replaced in the testing population. Program employees with permanent work assignments at NTS will be tested at NTS using similar collection procedures as those used at LLNL. All test results will be reviewed by the MRO at LLNL.

A.6 Substances for Which Drug Testing Will be Performed

Urinalysis testing will be performed to identify the use of the following drugs or classes of drugs:

- Marijuana,
- Cocaine,
- Opiates,
- Phencyclidine (PCP), and
- Amphetamines.

Other drugs or classes of drugs may be added at the direction of the Laboratory Director. A minimum of 90 days notice will be provided to affected personnel of changes to this section. Testing for cause may be performed for other drugs or classes of drugs or alcohol.

Testing will be conducted at a laboratory certified by the National Institute on Drug Abuse (NIDA). All urine samples will be tested with an initial immunoassay screening test. Samples determined as positive for drug or drug metabolite content in this test shall be confirmed using gas chromatography/mass spectrometry. Testing procedures, cutoff levels, and qualifications of the testing laboratory that performs the analyses are published in *Federal Register*, Vol. 53, No. 69, p. 11979 (herein referred as the NIDA guidelines).

A.7 Testing Procedures

Program employees will be notified of selection for drug testing through their supervisors or a designated contact person. Program employees notified to report for a drug screen test will be given a reasonable response time in which to appear at the designated collection facility. A response time of 1 hour will be allowed for employees notified at LLNL and Mercury, Nevada. Program employees notified at other locations at NTS or at Site 300 will be allowed 1 hour plus a reasonable driving time from their location to the collection site. Notified employees will be required to sign an acknowledgment of notification on which has been recorded the notification time, scheduled test time, and location of the collection facility to which the employee must report for random testing.

An authorization to release information is required from the employee before any testing is done. The individual will be given a copy of the chain-of-custody form after specimen collection.

Specimen collection and chain-of-custody procedures will be performed in accordance with the NIDA guidelines. Collection of the specimen will not be observed unless there is reason to believe that the individual will alter or substitute the specimen to be provided. The residual portion of each confirmed positive sample is saved by the testing laboratory for 1 year to allow for reanalysis.

The employee will be advised by supervision that if a Program employee refuses to report, fails to report to the designated collection site by the time requested, or refuses to cooperate with the collection site person after reporting for testing, such behavior will result in an investigation and may result in corrective action. If failure to cooperate results in the test not being conducted, an inference will be drawn that the employee would have tested positive.

A.8 Test Results

The NIDA-certified laboratory performing the analysis will normally provide test results to the MRO within 5 working days. For negative results, the MRO will certify to the Program drug-testing management official that the test was passed. The Program drug-testing management official will promptly provide written notification to the Program employee of the passed test.

For reported positive results, prior to making a final decision to certify that the test was failed, the MRO will give the individual an opportunity to discuss the test result. If the individual is not immediately available, the MRO may impose temporary medical work restrictions pending a final decision. If the individual is not at work, the MRO will request of supervision that the individual not be allowed to return to his/her Program assignment until released to do so by Health Services. Employees

who have taken prescription drugs or have undergone medical or dental procedures should be prepared to produce evidence of a valid prescription or other medical information for review by the MRO in the event that a positive result is received from the laboratory. The MRO will review all medical records made available by the tested individual to determine if a confirmed positive test could have resulted from legally prescribed medication or a medical or dental procedure; if so, the test result would be reported as passed.

If a medical explanation for the positive result is not found, the MRO will certify that the test was positive and will notify the Program drug-testing management official of the results using the form entitled "Random Drug Test Notification." The Program drug-testing management official will notify the individual's supervisor, LLNL Safeguards and Security, Staff Relations, and DOE. The individual's supervisor will immediately remove the individual from Program assignments. The employee will be subject to existing personnel policies and procedures, as appropriate.

A.9 Records

Laboratory reports of drug tests will be maintained in a locked repository in Health Services. Access to the repository will be restricted to Health Services personnel assigned to administer the drug-testing program. Employees may review the contents of their file upon receipt of a signed release form in accordance with state privacy regulations. These records are protected by the Privacy Act of 1974, as amended. Test results will be released to other LLNL departments or DOE only with the individual's written consent.

Health Services will provide certification of results to the Program drug-testing management office. The certifications will be stored in a locked file and made available to Laboratory supervision and management on a limited, need-to-know basis for the purpose of determining whether or not tests or assessments were passed and the dates of these pass or fail certifications.